

A G E N D A

**RIO DELL CITY COUNCIL/PLANNING COMMISSION
JOINT MEETING/STUDY SESSION
MARCH 1, 2011 - 5:30 P.M.
CITY COUNCIL CHAMBERS
675 WILDWOOD AVENUE, RIO DELL**

***WELCOME . . .** By your presence in the City Council Chambers, you are participating in the process of representative government. Copies of this agenda, staff reports and other material available to the City Council are available at the City Clerk's office in City Hall, 675 Wildwood Avenue. Your City Government welcomes your interest and hopes you will attend and participate in City meetings often.*

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THE TYPE OF COUNCIL BUSINESS IS IDENTIFIED IMMEDIATELY AFTER EACH TITLE IN BOLD LETTERS.

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. CEREMONIAL

E. PUBLIC HEARINGS/STUDY SESSIONS

1) 2011/0301.01 - Medical Marijuana Dispensaries (**DISCUSSION**)

2) 2011/0301.02 - Detachment of Blue Slide Road/Natural Resources Lands
(Metropolitan) (**DISCUSSION**)

F. PUBLIC PRESENTATIONS

G. OTHER COUNCIL/PLANNING COMMISSION BUSINESS


H. ADJOURNMENT



675 Wildwood Avenue

Rio Dell, CA 95562

(707) 764-3532

TO: Honorable Rio Dell City Council
FROM: Ron Henrickson, City Manager 
DATE: March 1, 2011
SUBJECT: Regulation of Marijuana Dispensaries
ACTION: Provide Direction to the City Manager

ATTACHMENT: Ordinance No. 266-2010, Article in Berkeley Dailey Planet,
Article in CNN Politics, and City of Oakland Measure F

BACKGROUND:

On May 4, 2010, the City Council approved Ordinance No. 266-2010 that placed a moratorium on the establishment of medical marijuana dispensaries within the City. The moratorium will expire about March 19, 2011. Given that I was not employed during discussions on this ordinance I am seeking direction from the Council.

OPTIONS:

I believe there are a number of options the City can pursue:

1. Take no action and let the moratorium expire.
2. Draft and adopt a ban on medical marijuana dispensaries.
3. Draft and adopt regulations allowing dispensaries and limit the number.
4. Draft regulations allowing dispensaries with a limited number and also a tax. This measure would have to be placed on the ballot for approval.

ORDINANCE NO. 266-2010

**EXTENSION OF INTERIM URGENCY ORDINANCE OF THE CITY OF RIO DELL
AUTHORIZING A MORATORIUM ON THE LEGAL ESTABLISHMENT AND
OPERATION OF MEDICAL MARIJUANA DISPENSARIES WITHIN THE CITY OF
RIO DELL PURSUANT TO GOVERNMENT CODE SECTION 65858.**

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THE CITY COUNCIL OF THE CITY OF RIO DELL DOES ORDAIN AS FOLLOWS:

ARTICLE 1: SHORT TITLE, PURPOSE AND SCOPE

§1.01 This ordinance shall be known and cited as the “Medical Marijuana Dispensary” Ordinance.

§1.02: Purpose: It is declared that this article is enacted for the purpose of imposing a moratorium on the legal establishment and operation of medical marijuana dispensaries and related uses. This would allow the City to add, review and amend ordinances in order to protect the public health, welfare, and safety from impacts associated with or implicated by use of property for Medical Marijuana Dispensaries.

§1.03: Scope: This ordinance shall apply to any and all locations within the city limits of Rio Dell.

§1.04: The provisions adopted in this ordinance shall not be exclusive but shall be cumulative and complementary to any other provisions of Rio Dell City ordinances and County, State and Federal laws. Nothing in this ordinance shall be read, interpreted or construed so as to limit any existing right or power of the City.

ARTICLE 2: STATUTORY AUTHORITY / ENFORCEMENT AUTHORITY

§2.01: Statutory and Enforcement Authority is granted in the following from the Health and Safety Code Section 11362.5 et seq. and Government Code Section 65858.

ARTICLE 3: ADMINISTRATION AND ENFORCEMENT

§3.01 Administration and Enforcement

- 3.01.1 The Chief of Police of the City is the chief law enforcement officer for the City. The Chief of Police shall carry out the additional powers and duties imposed by this ordinance.

ARTICLE 4: DEFINITIONS

§4.01 Definitions.

- 4.01.1 For the purposes of this ordinance, “medical marijuana dispensary” (MMD) means any profit or not-for-profit facility or location, whether permanent or temporary, where the owner(s) or operator (s) intends to or does possess and distribute marijuana for any purpose. A MMD includes a marijuana club as describe in *People v. Peron*, (1997) 59 Cal. App. 4th 1383, and further includes medical marijuana cooperatives. A MMD shall not include the following uses, as long as the location of such uses are otherwise regulated by the City’s Municipal Code: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code; a health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code; a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code; a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code; a residential hospice; or a home health agency licensed pursuant to Chapter 8 of the Health and Safety Code, as long as any such use complies strictly with applicable law including, but not limited to, Health and Safety Code section 11362.5 et seq.

ARTICLE 5: Necessity

- §5.01 In 1996 the voters of the State of California approved Proposition 215 (codified as Health and Safety Code Section 112362.5 et seq. and entitled it “The Compassionate Use Act of 1996”).
- 5.01.2 The intent of Proposition 215 was to enable seriously ill Californians to legally possess, use, and cultivate marijuana for medical use under state law.
- 5.01.3 As a result of Proposition 215, individuals have established MMDs in various cities.
- 5.01.4 Recently, persons have inquired with the City of Rio Dell regarding the establishment of MMDs within the city limits.
- 5.01.5 The experiences of California cities in the regulation and policing of MMDs have varied from city to city. Several California cities have experienced an increase in crime, such as burglary, robbery, loitering around the dispensaries, an increase in pedestrian and vehicular traffic and noise in the vicinity of the dispensaries, and the sale of illegal drugs,

- including the illegal resale of marijuana from dispensaries in the areas immediately surrounding such MMDs.
- 5.01.6 In October 2005, the State Board of Equalization instituted a policy that allows MMDs to obtain a seller's permit thus enabling the State to collect sales tax on medical marijuana sales.
- 5.01.7 Recent surveys with several California cities regarding the secondary effects of MMDs indicated the following mutual issues: street dealers attempting to sell to patrons entering/exiting dispensaries; smoking marijuana in public areas; driving while under the influence of marijuana; attempted burglaries of marijuana establishments; robberies of clients patronizing establishments; adverse impacts on neighboring businesses; physicians writing prescriptions for any patrol regardless of medical infirmity; nuisance behavior of patrons; and illegal drug sales from dispensaries.
- 5.01.8 The City has not adopted permanent rules and regulations specifically applicable to the establishment and operation of MMDs. The lack of such controls may lead to a proliferation of dispensaries and the inability of the City to regulate these establishments in a manner that will protect the general public, homes and businesses adjacent to and near such businesses, and the patient or clients of such establishments.
- 5.01.9 Based on the adverse secondary impacts experienced by other cities and the lack of any regulatory program in the City regarding the establishment and operation of MMDs, it is reasonable to conclude that negative effects on the public health, safety and welfare may occur in Rio Dell as a result of the proliferation of MMDs and the lack of appropriate regulations governing the establishment and operation of such facilities.
- 5.01.10 A MMD currently is not an expressly permitted use or a use permitted subject to a conditional use permit in any zoning district in the City of Rio Dell. However, such establishments may seek to locate in any zoning district disguised as a permitted use or may seek to legalize this use.
- 5.01.11 The establishment of, or the issuance or approval of any permit, certificate of use and occupancy, or other entitlement for the legal establishment of a MMD in the City may result in a threat to public health, safety and welfare in that the Rio Dell Municipal Code does not currently regulate the location and operation of MMDs and does not have a regulatory program in effect that will appropriately regulate the location, establishment, and operation of MMDs in the City.
- 5.01.12 On April 20, 2010 the City Council received a staff report and took testimony on the Interim Urgency Prohibition Ordinance, and then unanimously voted to adopt a moratorium on MMD's, referring the matter to the Rio Dell Planning Commission for a review as to zoning regulations and General Plan compliance.
- 5.01.13 On April 28, 2010 the Rio Dell Planning Commission received a staff report and took testimony on the referral from the City Council, deciding on a 4-1 vote to recommend to the City Council that there be enacted an ordinance specifying that the City not approve any business license nor land uses for enterprises or purposes that are contrary to federal law, state or local laws or ordinances, including MMD's, since medical marijuana clinics are still felony violations of federal controlled substances statutes.
- 5.01.14 The current moratorium is due to expire on June 4, 2010. This time line does not allow staff to develop the necessary amendments to the Zoning and Business License Ordinances; comply with the public hearing requirements for ordinance amendments and

the publishing requirements. Therefore, an extension to the Interim Urgency Ordinance is essential for the public health, safety and welfare of the community.

5.01.15§5.02 Enactment

- 5.02.1 For the period of this ordinance a MMD shall be considered a prohibited use in any zoning district of the City, even if located within an otherwise permitted use. No permits, licenses or authorizations for a MMD shall be issued while this ordinance is in effect.
- 5.02.2 The City Council finds that this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15060 (c) (2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060 (c) (3) the activity is not a project as defined in Section 15378 Title 14, of the California Code of Regulations) because it has no potential for resulting in physical change to the environment, directly or indirectly. Conversely, it prevents changes in the environment pending the completion of the contemplated municipal code review.
- 5.02.3 The City Manager shall prepare the proposed amendments to the Business License and Zoning Ordinances for the Council's consideration and adoption in sufficient time that the effective date occurs before the expiration of this Ordinance.
- 5.02.4 This interim urgency ordinance is adopted pursuant to Section 65858 of the California Government Code.
- 5.02.5 This interim urgency ordinance shall take effect immediately upon its adoption by a four-fifths (4/5) vote of the City Council. This interim urgency ordinance will remain in effect for up to 10 months and 15 days, unless otherwise extended as allowed by law.

ARTICLE 6: SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this ordinance.

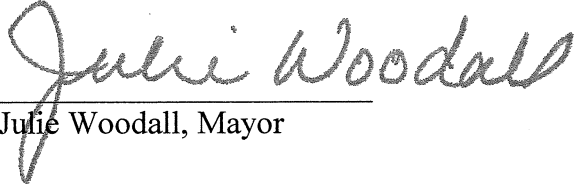
ARTICLE 7: EFFECTIVE DATE: This Interim Urgency Ordinance becomes effective immediately after the date of its enactment.

ARTICLE 8: ORDINANCE REPEAL: Upon the effective date of this Ordinance, Interim Urgency Ordinance 265-2010 is repealed.


ARTICLE 9: POSTING REQUIREMENT: The City Clerk shall cause publication of this ordinance within 15 days after passage in a newspaper of general circulation published and circulated in the city, and posted in at least three public places in the city.

ARTICLE 10: ENACTING DATE AND SIGNATURES: Passed, approved and adopted by the City Council of the City of Rio Dell at a regular meeting on May 4, 2010 by the following vote:

AYES: Woodall, Dunker, Marks and Thompson
NOES: None
ABSENT: Barsanti
ABSTAIN: None


Julie Woodall, Mayor

ATTEST:


Karen Dunham, City Clerk

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Thursday
February 25, 2010

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FRONT PAGE OPINION COLUMNISTS ARTS & ENTERTAINMENT CONTENTS FULL TEXT

News

Berkeley Proposes Taxing Medical Marijuana Dispensaries

By Riya Bhattacharjee
Thursday February 25, 2010

If the City of Berkeley has its way, pot in Berkeley might just get a wee bit more expensive.

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Weighed down by a \$10 million budget deficit in 2010-2011, the city is proposing to tax Berkeley's three medical marijuana dispensaries to bring in more revenue by putting a ballot measure in the November election.

Language drafted by City Attorney Zack Cowan is designed to impose a business license tax on the cannabis clinics based on their square footage, something supporters of medical marijuana in the community aren't too enthusiastic about.

Cowan said the idea stemmed from Oakland, whose voters last year approved a sales tax for their dispensaries.

"I looked at it and said OK, that's a good idea," he said. "Why don't we do something like that in Berkeley?"

The Berkeley Cannabis Commission, which is in charge of oversight of the city's dispensaries, discussed the issue at a Feb. 18 meeting. The commission's members are appointed by the three dispensaries.

Cannabis commissioner Becky DeKeuster, who is also involved with the Berkeley Patients Group, said Friday that the commission was concerned about the difference between Oakland and Berkeley's plans when it came to taxing medical marijuana dispensaries.

"There were some questions about why Zach decided to go for a square foot tax instead of a revenue tax," DeKeuster said.

Cowan said that he didn't want to explore a sales tax option because any organization that attains non-profit status from the California Tax Franchise Board would be exempt from local revenue-based taxes.

"If we say we'll tax based on gross tax receipts and that becomes obsolete in a year, then we are out of luck," he said. "I don't see anything immoral about a business license tax. It's not like we are asking for \$10 million. We are talking about under a million."

For the tax to go on the November ballot, the council would have to act on it by the end of July, Cowan said.

Under Cowan's proposal, the dispensaries would be charged \$10 per square foot.

For Berkeley Patients Group, which is planning to relocate from its current space on San Pablo Avenue to the former 28,000-square-foot Scharffen Berger factory on Heinz Street, that would mean paying the city \$280,000 every year for using the building.

The clinic ran into choppy waters earlier this year, when Wareham Development and the French-American School, Ecole Bilingue, protested its plans to move, claiming violations of state and federal law. Berkeley Patients' Group, which contends that it can get an over-the-counter use permit for the space because of a ballot measure approved by Berkeley citizens, is currently in negotiations with both groups.

Erik Miller, manager of the Patients Care Collective on Telegraph Avenue, called the tax "arbitrary and unfair."

"Ten dollars per square foot is highly unusual," Miller said. "The square footage is not all used for dispensaries—at the Berkeley Patients Group, the space is used for acupuncture, massage, healing and other services. I understand the City of Berkeley needs more money but I personally don't agree with putting an extra tax on sick people's medicine. It's ridiculous."

Miller said that even if Patients Care Collective were able to pay the proposed \$8,000 tax for their 800-square-foot site, it would be difficult for Berkeley Patients Group alone to absorb the whole amount for their larger space.

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"They would have to raise prices," he said. "I hope the city is willing to work with us to come up with something that's reasonable."

Calls to Berkeley Patients Group were not returned by press time.

Medical Cannabis Commission Chair Amanda Reiman said that the commission had not yet taken an official position on the proposal.

"As a commission, we are definitely interested in discussing the possibility of taxing the dispensaries as a revenue generator for the city," Reiman said. "But we also want to make sure that the dispensaries are not penalized for their large spaces often used for counseling or healing. We are working with the city attorney and our attorney to only tax the active dispensary space and not where the social services are given."

All the dispensaries, Reiman said, were interested in seeing the community prosper.

"We just don't want to see red tape get in their way," she said.

CNN Politics

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CANNABIS

Oakland, California, passes landmark marijuana tax

July 22, 2009

Oakland's bid to become the first U.S. city to tax proceeds on medical marijuana passed Tuesday by a landslide vote.

About 80 percent of voters chose to impose the tax on Oakland's medical marijuana facilities, according to the Alameda County Registrar of Voters.

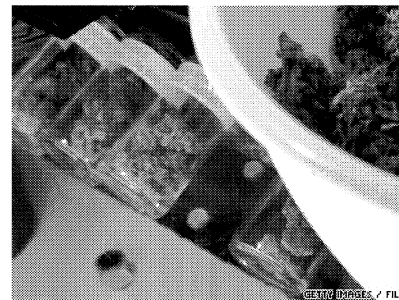
Some celebrated the news at Oaksterdam University by hand-rolling large marijuana cigarettes or stuffing cannabis into pipes. The school trains students for work in the medical marijuana industry.

"It is important because the city of Oakland is facing a massive deficit like many jurisdictions in California," said Steve DeAngelo, a leader of one of the city's cannabis clubs. "And we decided to step up to the plate and make a contribution to the city in a time of need."

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About 80 percent of people voting in the Oakland election approved the new medical marijuana tax.

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DeAngelo, one of the people who led the effort to get the tax approved, said his business will now have to pay more than \$350,000 from the new tax next year.

Oakland's City Council was also behind the move.

"Given that the medical cannabis dispensaries are something that was legalized in California, why not have revenue from it?" said councilwoman Rebecca Kaplan.

There was no formal opposition to the effort, but some drug fighters say the tax sends the wrong message.

"The taxation of a federally unlawful drug is just not something that the community should accept," said Paul Chabot of the Coalition for a Drug Free California. "With the state in dire straits in finances and the country looking for ways to pay down debt, looking at illegal drugs is the absolute wrong thing to do."

The measure, passed in special mail-in election Tuesday, imposes a 1.8 percent gross receipts tax on the four licensed medical cannabis dispensaries in Oakland.

These facilities would have to pay about \$18 in taxes for every 1,000 in marijuana sales.

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CITY OF OAKLAND MEASURE F

F Shall City of Oakland's business tax, which currently imposes a tax rate of \$1.20 per \$1,000 on "cannabis business" gross receipts, be amended to establish a new tax rate of \$18 per \$1,000 of gross receipts?	YES
	NO

CITY ATTORNEY'S BALLOT TITLE AND SUMMARY OF MEASURE F

BALLOT TITLE

ORDINANCE AMENDING THE CITY OF OAKLAND'S BUSINESS TAX TO ESTABLISH A NEW TAX RATE FOR "CANNABIS BUSINESSES"

BALLOT SUMMARY

The measure creates a new Business Tax rate for "Cannabis Businesses" of \$18 for each \$1,000 of gross receipts from business activity. Currently, Cannabis Businesses in Oakland are taxed at the rate for retail sales businesses, which is \$60.00 per year for the first \$50,000.00 of gross receipts, plus \$1.20 for each additional \$1,000.00. The City of Oakland may use the revenue from the tax for any legal municipal purpose, including but not limited to maintenance of vital services and facilities. The tax must be approved by a majority of Oakland voters who cast ballots.

s/JOHN RUSSO
City Attorney

CITY ATTORNEY'S IMPARTIAL LEGAL ANALYSIS OF MEASURE F

Under the City of Oakland's current Business Tax, "Cannabis Businesses" are taxed as retail sales businesses. The tax rate for Retail Sales businesses is \$60.00 per year for the first \$50,000.00 of gross receipts, plus \$1.20 for each additional \$1,000.00. "Gross receipts" are a business's total revenue without deducting expenses. This measure would amend Oakland's Business Tax which is found at Chapter 5.04 of the Oakland Municipal Code to establish a new tax rate for "Cannabis Businesses" of \$18 for every \$1,000.00 of gross receipts from the businesses' activity in Oakland. The amendment will tax gross receipts from the planting, cultivation, harvesting, transporting, manufacturing, compounding, converting, processing, preparing, storing, packaging, wholesale, and retail sales of marijuana and its derivatives.

The Cannabis Business tax is a general tax because the City could use the tax revenue for any legal municipal purpose. The California Constitution, Article XIII(C), Section 2(b) requires that the electorate approve a general tax by a majority vote. Before the City can establish the new tax rate for "Cannabis Businesses," a majority of the electorate must approve the measure.

s/JOHN RUSSO
City Attorney

5-22-09

157 correction
5/20

CITY AUDITOR'S IMPARTIAL FINANCIAL ANALYSIS OF MEASURE F

SUMMARY

Measure F authorizes the City of Oakland to modify the business tax, Chapter 5.04 of the Oakland Municipal Code by adding Section 5.04.480, which would create a new "Cannabis" business classification. Oakland's existing business tax category list does not contain a specific tax category for cannabis businesses, since permitted cannabis dispensaries did not exist at the time the business tax system was created.

Under the proposed cannabis business classification, cannabis businesses will be taxed at a rate of \$18 per \$1,000 of gross receipts. The amendment will tax cannabis business activity generating gross receipts from planting, cultivation, harvesting, transporting, manufacturing, compounding, converting, processing, preparing, storing, packaging, wholesale, and retail sales of marijuana and its derivatives.

Since 1996, when California voters authorized the use of cannabis for medical purposes, cannabis businesses have been paying the general retail business tax rate of \$1.20 per \$1,000 of gross receipts, rather than under a specific category.

If Measure F is approved by a majority of voters, the new cannabis business classification and tax rate will be effective beginning January 1, 2010.

FINANCIAL IMPACT

In Calendar Year (CY) 2007 and CY 2008, there were four cannabis dispensaries licensed with the City of Oakland. Gross receipts from the dispensaries for each fiscal year were \$17,918,000 and \$19,673,000 respectively. Under the general retail business tax rate of \$1.20 per \$1,000, business tax revenues from the dispensaries for each calendar year were \$21,500 and \$23,608 respectively.

For CY 2010, the City projects the same number of licensed cannabis dispensaries and estimated gross receipts of \$17,500,000. As a result, the new business tax classification and tax rate for cannabis facilities is estimated to generate \$294,000 in additional annual revenue, as shown in the table below.

Calendar Year	Projected Cannabis Business Gross Receipts	Annual Revenue based on \$1.20 per \$1,000 (A)	Annual Revenue based on \$18 per \$1,000 (B)	Estimated Increase in Revenue under Proposed Ordinance (B-A)
2010	\$17,500,000	\$21,000	\$315,000	\$294,000

The estimated increase in revenue will be deposited into the general fund for general fund purposes. The ballot measure does not earmark the increased revenue for any specific purpose.

Based on our analysis of the data provided by City staff, the projected revenues appear reasonable. We relied on the

best data available at this time, however actual results may vary from our estimates.

s/COURTNEY A. RUBY, CPA
City Auditor

5 22 09
V

1st connection
5/20

ARGUMENT IN FAVOR OF MEASURE F

The voters of California authorized the use of medical cannabis in 1996 – in a ballot initiative which Oakland voters supported by over 79% of the vote. Therefore, the City of Oakland has worked to create regulations and a permitting system for medical cannabis dispensaries. Regulations are used to prevent nuisance while protecting patients, and keeping customers away from the criminal market. Oakland's business tax system does not yet have a category for medical cannabis dispensaries. As a result, they have been paying at the "general retail rate," of \$1.20 per \$1,000 of gross receipts. This ballot measure creates a new business tax classification and rate for cannabis dispensaries, with a new, increased rate of \$18.00 per \$1,000. This will provide revenue to help balance Oakland's budget and help with funding for essential public services. State law in California requires that any new business tax rate must be approved by the voters. Community organizations, city leaders and the medical cannabis dispensaries themselves all support this measure, which will help avoid cuts to services for the public. We ask for your yes vote. For more information, visit www.Yes4Oakland.org

s/Dr. Frank H. Lucido

Family Practice Physician

s/Rebecca Kaplan

Oakland City Councilmember At-Large

s/Jan S. Rodolfo, RN

California Nurses Association

s/Richard Lee

President – Oaksterdam University

s/Nate Miley

Alameda County Supervisor

5-22-09
Van

**NO ARGUMENT AGAINST MEASURE F WAS
SUBMITTED.**

1st correction
5/21

FULL TEXT OF MEASURE F

ORDINANCE AMENDING THE CITY OF OAKLAND'S BUSINESS TAX TO ESTABLISH A NEW TAX RATE FOR "CANNABIS BUSINESSES"

WHEREAS, through the passage of Proposition 215, the voters of California authorized the use of cannabis for medical purposes in 1996; and

WHEREAS, by a 79% vote in favor of the proposition, the voters of Oakland overwhelmingly approved Proposition 215; and

WHEREAS, the City Council of the City of Oakland has adopted medical cannabis permitting regulations to prevent nuisance, provide for effective controls, enable medical cannabis patients to obtain cannabis from safe sources, and provide appropriate licensing and revenues for the City in a manner consistent with state law; and

WHEREAS, every person engaged in business activity in the City of Oakland is required to obtain a business tax certificate and to pay the City's business tax; and

WHEREAS, the City of Oakland has a business tax system which applies to all businesses in the City, and which contains a list of categories of types of businesses, and provides for the collection of business taxes at specified rates based on the classifications of the businesses operating in the City; and

WHEREAS, because permitted medical cannabis dispensaries did not exist at the time the business tax system was created, Oakland's current business tax category list does not contain a specific tax category for cannabis businesses; and

WHEREAS, cannabis businesses are currently taxed under the business classification of general retail at a business tax rate of \$1.20 per \$1,000 of gross receipts, rather than under a specific category; and

WHEREAS, under the newly created business classification cannabis businesses will be taxed at a rate of \$18 per \$1,000; and

WHEREAS, accordingly, the City Council of the City of Oakland desires to amend Chapter 5.04, adding section 5.04.480 to the Oakland Municipal; and

WHEREAS, all revenues received from the tax will be deposited in the general fund of the City to be expended for general fund purposes; now, therefore, be it

RESOLVED: That the City Council of the City of Oakland does hereby request that the Board of Supervisors of Alameda County order the Special Municipal election, consistent with the provisions of state law; and be it

FURTHER RESOLVED: That the City Council of the City of Oakland does hereby submit to the voters at the special election, not more than 88 days and not more than 150 days from the date of passage of this resolution, the text of the proposed ordinance, which shall be as follows; and be it

FURTHER RESOLVED: That each ballot used at said municipal election shall have printed therein, in addition to any other matter required by law the following:

*1st correction
5/20*

ORDINANCE AMENDING THE OAKLAND MUNICIPAL CODE TO MODIFY THE BUSINESS TAX BY CREATING A NEW "CANNABIS" BUSINESS CLASSIFICATION

Be it ordained by the People of the City of Oakland:

Section 1. The Municipal Code is hereby amended to add, delete, or modify sections as set forth below (section numbers and titles are indicated in **bold type**; additions are indicated by underscoring and deletions are indicated by ~~strike-through~~ type; portions of the regulations not cited or not shown in underscoring or strike-through type are not changed).

Section 2. Code Amendment. Chapter 5.04 of the Oakland Municipal Code is hereby amended adding Section 5.04.480 to read as follows:

5.04.480 Cannabis.

A. Every person engaged in a cannabis business not otherwise specifically taxed by other business tax provisions of this chapter, shall pay a business tax of eighteen dollars \$18 for each one thousand dollars (\$1,000.00) of gross receipts or fractional part thereof.

B. For the purpose of this section, "cannabis business" means business activity including, but not limited to, planting, cultivation, harvesting, transporting, manufacturing, compounding, converting, processing, preparing, storing, packaging, wholesale, and/or retail sales of marijuana, any part of the plant Cannabis sativa L. or its derivatives.

Section 3. Severability. Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

Section 4. California Environmental Quality Act Requirements. This Ordinance is exempt from the California Environmental Quality Act, Public Resources Code section 21000 et seq., including without limitation Public Resources Code section 21065, CEQA Guidelines 15378(b)(4) and 15061(b)(3), as it can be seen with certainty that there is no possibility that the activity authorized herein may have a significant effect on the environment.

Section 5. Majority Approval; Effective Date. This Ordinance shall be effective only if approved by a majority of the voters voting thereon and after the vote is declared by the City Council. The effective date of this Ordinance shall be January 1, 2010.

Section 6. Council Amendments. The City Council of the City of Oakland is hereby authorized to amend Section 5.04.480 of the Oakland Municipal Code as adopted by this Ordinance in any manner that does not increase the tax rate, otherwise constitute a tax increase for which voter approval is required by Article XIII C of the California Constitution or entirely dis-

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pense with the requirement for independent audits stated in Section 4.28.190.

FURTHER RESOLVED: That the City Council of the City of Oakland does hereby find and determine that pursuant to Article XIII C, section 2(b) of the California Constitution the City Council of the City of Oakland has adopted a resolution declaring the existence of a fiscal emergency in the City of Oakland that necessitates asking the voters to approve the proposed medical cannabis tax before the next regular election of the Oakland City Council;

2019
you


1st correction
5/20



675 Wildwood Avenue

Rio Dell, CA 95562

(707) 764-3532

TO: Honorable Rio Dell City Council
FROM: Ron Henrickson, City Manager 
DATE: March 1, 2011
SUBJECT: Detachment of Blue Slide Road and Agricultural Lands
ATTACHMENTS: Petition for Detachment, Map
ACTION: Provide Direction to City Manager

BACKGROUND:

Government Code Section 56768 requires support from not less than 25 percent of the number of owners of land in order for the Council to consider detachment. To date I have received sufficient petition for the Council to consider detachment of the area referred to as Blue Slide Road. I am waiting for a second petition from Blue Slide Road area as well as a petition from the agricultural lands.

The cost of processing detachment would be paid by the City from the General Fund and an estimate and time schedule will be provided at the workshop. The purpose of detachment of the Blue Slide Road area is to acknowledge that the assumption that the area would be subdivided into urban density did not materialize and thus the financial burden of maintaining the Road is beyond the Cities capacity. The purpose of detaching the Agricultural Lands is that the area was attached because it was a site for wastewater disposal and that is no longer the case.

OPTIONS:

1. Take no action.
2. Direct the City Manager to initiate detachment of the Blue Slide Road area and the Agricultural Lands, upon receipt of sufficient petitions from the property owners.

Petition for Detachment

Petition for detachment of land from the City of Rio Dell, California.

This petition is hereby made by Richard K. & Kristin H. Currier, Landowners, as owners of land within the City of Rio Dell, California described as APN 20508110, supporting the detachment from the boundaries of the City of Rio Dell, California.

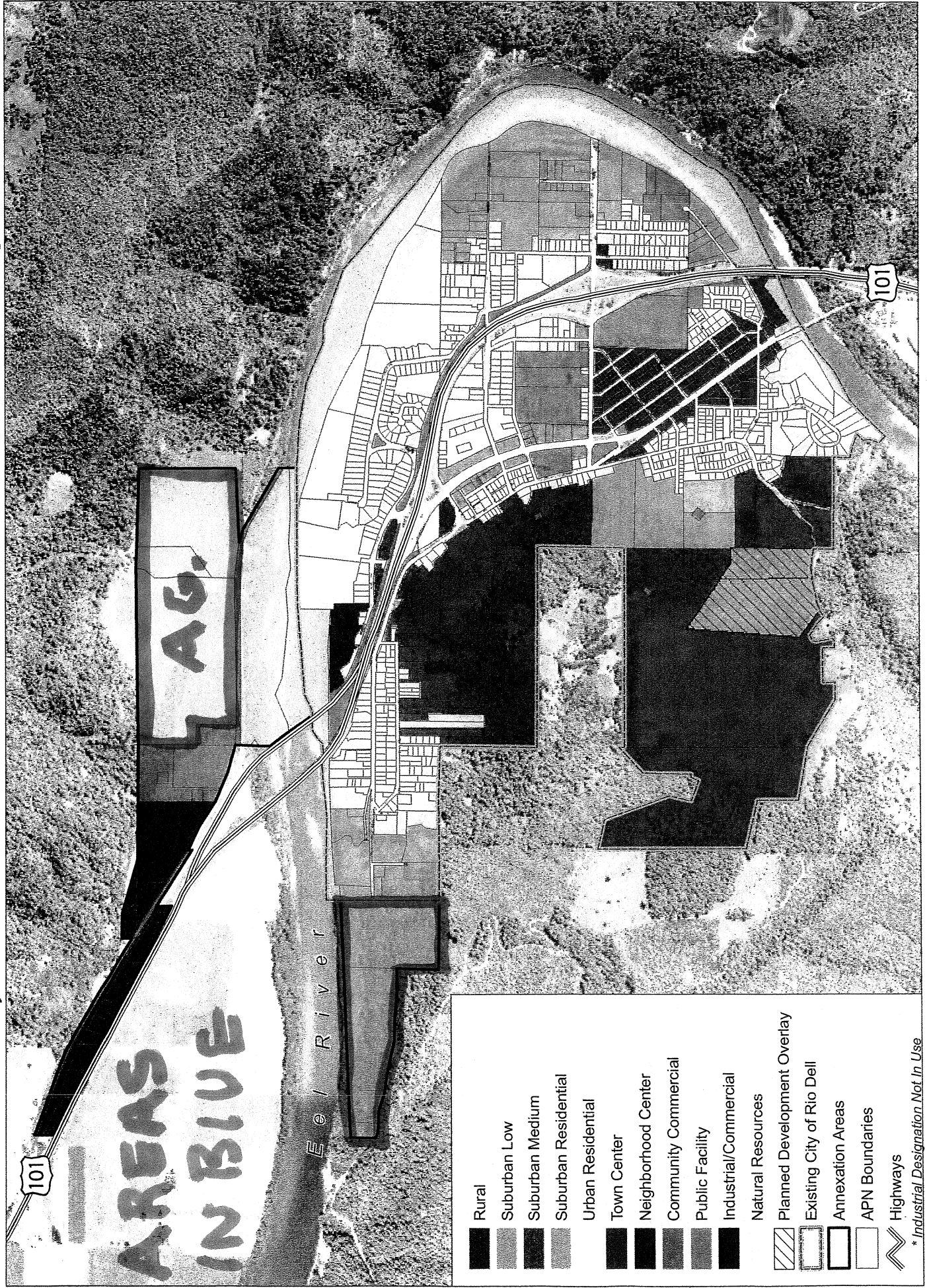
The basis and reason for the detachment is that we moved to this property because it was in the county. Our family has target practiced and hunted here for the past twenty eight years, and we do not want that right taken away by being within city limits. Furthermore, we do not plan on ever subdividing our property. The annexation is of no benefit to us.

Landowners:

Richard K Currier 2/18/11
Richard K. Currier Date

Kristin H. Currier 2/18/11
Kristin H. Currier Date

City of Rio Dell General Plan Land Use and Zoning



	Rural		Planned Development Overlay
	Suburban Low		Existing City of Rio Dell
	Suburban Medium		Annexation Areas
	Suburban Residential		APN Boundaries
	Urban Residential		Highways
	Town Center		
	Neighborhood Center		
	Community Commercial		
	Public Facility		
	Industrial/Commercial		
	Natural Resources		

* Industrial Designation Not In Use